

OGC HAS REVIEWED.

Journal

Office of Legislative Counsel

Monday - 11 July 1955

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1. On 8 July the Personnel Office of the Department of State asked me to attend a meeting on 11 July to consider some proposed amendments to the Foreign Service Act arising out of the proposed new executive pay bill which would require revisions in the Foreign Service pay categories. In view of Section 5(b) of the CIA Act of 1949 which authorizes the Director to pay allowances in accordance with Section 901 of the Foreign Service Act of 1946, and the subsequent 1955 amendments of the Foreign Service Act which it was felt could not be utilized for vouchered CIA personnel without amendment to Section 5(b), I suggested informally to Mr. Wilson, Director of Personnel of the State Department, that it might be helpful if in this new Foreign Service Act revision they included an amendment to Section 5(b) for CIA which would permit us to utilize Section 901 of the Foreign Service Act, as amended. Mr. Wilson agreed to do this. This morning I received clearance for this procedure from Mr. Roger Jones, Assistant Director of the Bureau of the Budget, but it was Mr. Jones' opinion that we did not need the amendment as he felt that the subsequent amendment of a referenced statute implied the use of the amendments by those concerned. I told Mr. Jones that the Supreme Court and other legal precedents were contrary to his interpretation.

2. Mr. Reynolds, Director of Personnel, Mr. [REDACTED], who handles official cover matters for DD/P, and I attended the State Department meeting, at which were present Mr. [REDACTED], Deputy Director of Personnel, and Mr. Kendzie of the State Department Personnel Office, Mr. Weinger, Chief of the Classification Division of the International Cooperation Administration, and Mr. Doster, Chief, Personnel Operations of USIA. They discussed the State Department bill in general.

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3. The office of the General Counsel meanwhile discussed the proposed amendment with the Comptroller General's office, and were informed that Mr. Lyle Fisher, the General Counsel, was of the opinion that language contained in the General Government Matters Appropriation Act of 1956 was sufficient to pay the educational allowances authorized by the Foreign Service Act amendments of 1956 both to vouchered and unvouchered employees of CIA. In view of this ruling, I informed the Department of State that we will withdraw our amendment. I have told Mr. Jones at the Bureau of the Budget however that in my opinion we should seek this amendment in connection with the Overseas Allowances Act when it is submitted to the Congress, provide that Act does not repeal Section 901 of the Foreign Service Act of 1946, as amended.